

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

2 -----X
3 ADRIAN SCHOOLCRAFT,

4 PLAINTIFF,

5 -against-

Case No.:
10CIV 6005 (RWS)

6 THE CITY OF NEW YORK, ET AL, DEPUTY CHIEF MICHAEL MARINO
7 TAX ID 873220, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY,
8 ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH, GERALD
9 NELSON, TAX ID 912370, INDIVIDUALLY AND IN HIS OFFICIAL
10 CAPACITY, DEPUTY INSPECTOR STEVEN MAURIELLO TAX ID 895117,
11 INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, CAPTAIN THEODORE
12 LAUTERBORN, TAX ID 897840, INDIVIDUALLY AND IN HIS OFFICIAL
13 CAPACITY, LIEUTENANT WILLIAM GOUGH, TAX ID 919124,
14 INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, SERGEANT
15 FREDERICK SAWYER, SHIELD NUMBER 2576, INDIVIDUALLY AND IN
16 HIS OFFICIAL CAPACITY, SERGEANT KURT DUNCAN, SHIELD 2483,
17 INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, LIEUTENANT
18 CHRISTOPHER BROSCHART TAX ID 915354, INDIVIDUALLY AND IN
19 HIS OFFICIAL CAPACITY, LIEUTENANT TIMOTHY CAUGHEY, TAX ID
20 885374, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, SERGEANT
21 SHANTEL JAMES, SHIELD NO. 3004 AND PO'S JOHN DOE 1-50
22 INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES, JAMAICA
23 HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, INDIVIDUALLY AND
24 IN HIS OFFICIALLY CAPACITY, DR. LILIAN ALDANA-BERNIER,
25 INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AND JAMAICA
HOSPITAL MEDICAL CENTER EMPLOYEES JOHN DOE 1-50
INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES (THE NAME
JOHN DOE BEING FICTITIOUS, AS THE TRUE NAMES ARE PRESENTLY
UNKNOWN),

18 DEFENDANTS.

19 -----X

20

21 DATE: June 5, 2014

22 TIME: 10:16 A.M.

23

24 (DEPOSITION OF JOSEPH FERRARA.)

25

JOSEPH FERRARA

1 through.

2 Q. And you -- why were you assigned to the 81st
3 Precinct in February of 2009?

4 MR. SMITH: Objection to form.

5 A. As a result of the department charges that I
6 received.

7 Q. Were you told why you were being transferred to
8 the 81 Precinct?

9 A. Officially, no, but I knew why because when IAB
10 -- when a member of IAB gets charges and specifications the
11 higher-ups have an option of whether they want to transfer
12 people out of Internal Affairs or keep them in Internal
13 Affairs anyway and based on my history since March or April
14 of 2007 I was chosen to be removed from Internal Affairs
15 Bureau.

16 Q. And you said you weren't told this officially,
17 were you told this unofficially?

18 A. Well, it's known that there's a very good
19 likelihood that if you get jammed up in IAB that you get
20 kicked out of IAB, no one comes to you and says you got
21 jammed up, so you're getting kicked out of IAB, they just
22 come down with the orders that you're being transferred.
23 So, the transfer is official, but the reason behind the
24 transfer is not vocalized.

25 Q. And so, you said generally if you're brought up

JOSEPH FERRARA

1 with charges and specs in IAB there's a good likelihood
2 you'll be transferred?

3 A. 50/50.

4 Q. And on what do you base that 50/50 number?

5 A. If you're liked or not liked.

6 Q. Let me just be a little bit more clear which is,
7 how do you -- how did you come up with that number of 50/50
8 chances you'll -- you'll stay in IAB as opposed to being
9 transferred out?

10 A. Because I knew several people who got in trouble
11 in IAB for misusing the computer or doing various other
12 misconduct and were allowed to stay and then I knew people
13 who weren't allowed to stay who did, you know, minor things
14 of misconduct.

15 Q. So, that 50/50 number is based on people you
16 knew?

17 A. Yes.

18 Q. And how many people do you know who are in IAB
19 who were jammed up?

20 A. I don't know. I had given you a -- a list. So
21 those are the people that I was aware of.

22 Q. Okay. So, that's what you're basing this number
23 on, is that list?

24 A. Basically that list, yeah. I really don't
25 remember what was on that list. I just printed it out.

JOSEPH FERRARA

1 But, yeah, basically it was on that list that I was -- you
2 know, because I think I listed on that list people who were
3 able to stay and people who were removed from Internal
4 Affairs Bureau.

5 Q. Well, we can -- we can go to that list. I'm
6 handing you what has already been marked as Defendants'
7 Exhibit A. This is a document bearing Bates numbers at the
8 bottom NYC12142 through NYC12182. Please take as much time
9 as you need to review that.

10 A. Okay.

11 MR. SMITH: This is Exhibit A?

12 MS. PUBLICKER METTHAM: Yes.

13 A. Okay, I have the piece of paper.

14 Q. And it appears that you're looking at the list on
15 NYC12182?

16 A. Yes.

17 Q. And this is the list of individuals that you knew
18 from IAB who had gotten in trouble and on which you base
19 your opinion that people are transferred out 50 percent of
20 the time?

21 A. Yes.

22 Q. Okay. We'll come back to that.

23 Just to get the background and you received a
24 subpoena from me in this case; is that correct?

25 A. Yes.

JOSEPH FERRARA

1 Q. And in response to my subpoena you sent an
2 envelope with multiple documents and a CD; is that correct?

3 A. Yes.

4 Q. The -- Exhibit A that I've just handed you, is
5 that a complete list of the -- a set of the documents you
6 provided to me?

7 A. I believe so.

8 Q. And as I mentioned, I added numbers to the bottom
9 but they have -- this is otherwise not been edited; is that
10 correct?

11 A. Yes.

12 Q. Starting on the first page I just want to go
13 through that to make sure that I understand your answers.
14 Okay?

15 A. Okay.

16 Q. Now, on the left-hand side you've written some --
17 some handwritten notes, correct?

18 A. Yes.

19 Q. So, by writing 2/18/10 and 4/1/10 next to
20 paragraphs numbered 1 through 4, were you indicating that
21 the only recordings you had responsive to those requests
22 were the two recordings you provided on the CD?

23 A. Yes.

24 Q. So, aside from the CD provided, do you have any
25 other recordings made by you of any NYPD employee regarding

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1 misconduct or corruption?

2 A. No.

3 Q. Aside from the CD provided, do you have any other
4 recordings made by you of any interactions on NYPD property
5 regarding misconduct or corruption?

6 A. No.

7 Q. Aside from the CD provided, do you have any other
8 recordings in your possession of any NYPD employee
9 regarding any alleged misconduct or corruption?

10 A. No.

11 Q. And aside from the CD provided, do you have any
12 other recordings in your possession of any interactions
13 taking place on NYPD property regarding alleged misconduct
14 or corruption?

15 A. No.

16 Q. Now, next to paragraph number 5 you've written
17 e-mails. Were you indicating that the e-mails you provided
18 were the only documents responsive to that request?

19 A. Yes.

20 Q. So, aside from the documents provided, do you
21 have any other documents in any form or format sent by you
22 or to you with an attorney for Adrian Schoolcraft?

23 MR. SMITH: Objection to form.

24 A. Can you repeat that.

25 Q. Sure. Aside from the e-mails and documents

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1 you've given me, do you have any other documents that were
2 sent by you or given to you by an attorney for Adrian
3 School?

4 A. No.

5 MR. SMITH: Objection to the form.

6 Q. Now, looking at paragraph number 6 you've written
7 n/a next to that. By writing n/a were you indicating that
8 you had no documents responsive to that request?

9 A. Yes.

10 Q. So, aside from the documents provided, do you
11 have any other documents in any form or format of the
12 corruption you saw during your 15 years on the job that you
13 referenced in your e-mail to Jon Norinsberg on August 11,
14 2010?

15 A. No, I don't have anything else.

16 Q. Moving on to paragraph 7. You've written next to
17 it n/a, precinct would have monthly activity reports and in
18 parentheses paper. By writing that were you indicating
19 that you personally have no documents responsive to that
20 request?

21 A. Yes.

22 Q. And moving now to paragraph 8. You've written
23 next to it precinct would have these records in
24 parentheses, paper. Were you indicating that you
25 personally had no documents responsive to that request?

JOSEPH FERRARA

1 A. Yes.

2 Q. And I'm sorry, I also note that underneath that
3 you've written audio 2/18/10, thirty-nine minute mark or
4 thirty-nine minute. Were you indicating that you believe
5 that recording, the 2/18/10 recording has something
6 responsive to this request?

7 A. No, I just -- I think that had to do with -- I
8 think it had to do with when they were talking about weekly
9 breakdowns that it was mentioned on the audiotape that I
10 provided to the law department and at that -- timewise,
11 that's where the reference was made.

12 Q. Okay. When did you begin recording your
13 co-workers?

14 A. February 18, 2010.

15 Q. Did anyone suggest that you record your
16 co-workers?

17 A. No.

18 Q. Why did you continue recording your co-workers?

19 A. I didn't feel in my opinion that the way Police
20 Officer Schoolcraft was being regarded to in the precinct
21 was appropriate by the commanding officer.

22 MS. PUBLICKER METTHAM: All right. We're
23 going to take a short break so that we can change
24 the videotape. So, we're just going to go off
25 the record.

JOSEPH FERRARA

1 THE VIDEOGRAPHER: We are now -- excuse me.

2 We are now off the record at 11:23 am.

3 (Whereupon, a short recess was taken.)

4 THE VIDEOGRAPHER: This is tape two of the
5 deposition of Joseph Ferrara. We are now on the
6 record at 11:40 a.m.

7 Q. Okay. So, before we took the break you stated
8 that you started recording because you didn't like the way
9 that Schoolcraft was -- was treated by Mauriello in the
10 precinct; is that correct?

11 A. The way Mauriello --

12 MR. KRETZ: Objection. Sorry.

13 A. The way Mauriello was referring to Schoolcraft in
14 the precinct.

15 Q. And how was Inspector Mauriello referring to
16 Schoolcraft in the precinct?

17 A. That he was a rat.

18 Q. Did you think at the time you started making
19 these recordings that you would be suing the City at some
20 point?

21 MR. SMITH: I'm sorry, the who?

22 MS. PUBLICKER METTHAM: City.

23 THE COURT REPORTER: At the time you were
24 making these recordings --

25 MR. SMITH: Did you think that you --

JOSEPH FERRARA

1 MS. PUBLICKER METTHAM: You would be suing
2 the City at some point.

3 MR. SMITH: You meaning the witness?

4 MS. PUBLICKER METTHAM: Yes.

5 MR. SMITH: Objection to form.

6 MS. PUBLICKER METTHAM: Is there another
7 definition of you that I'm not aware of?

8 MR. SMITH: There's another definition of
9 suing. Are you referring to the witness suing
10 the City?

11 MS. PUBLICKER METTHAM: Yes, it's quite
12 plain from the question, Mr. Smith.

13 Q. So, Mr. Ferrera, when you made these recordings,
14 did you think that you would be suing the City at some
15 later date?

16 A. No.

17 Q. How many recordings did you make of your
18 co-workers at the NYPD?

19 A. Two.

20 Q. Only two?

21 A. Yes.

22 Q. And you provided all the recordings you've ever
23 made of your co-workers to the City of New York?

24 A. Yes.

25 Q. How did you choose what to record?

JOSEPH FERRARA

1 A. I chose the commanding officers' meeting to
2 record on those two instances.

3 Q. Why did you choose the commanding officers'
4 meeting?

5 A. Because that's where Deputy Inspector Mauriello
6 was able to speak somewhat freely because that meeting
7 consisted of all the supervisors of the precinct, there was
8 no -- there was no one lower than a sergeant present at
9 those meetings.

10 Q. And why did you choose only February 18th and
11 April 1st of 2010 to record?

12 A. Those were the two meetings, I believe, that were
13 back to back for the COs' meetings under February 18th was
14 the next meeting after I had heard in a previous CO meeting
15 him refer to -- Inspector Mauriello refer to Schoolcraft as
16 a rat. So that very next meeting is when I started
17 recording.

18 Q. Did you save every recording you made?

19 A. Yes.

20 Q. Did you delete any recordings?

21 A. No.

22 Q. Have you provided to anyone else a recording of
23 the NYPD that you have not provided to me?

24 A. No.

25 Q. Did any of your co-workers know that you were

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1 and they started the training, the officers -- the training
2 sergeant would leave -- let's say hypothetically it was an
3 in-term order, he'd have copies of the in-term orders in
4 the -- where roll call was done. So an officer can come by
5 later and get a copy of that in-term order and you know,
6 read it themselves. So I didn't feel based on that that
7 there was anything wrong with that.

8 Q. You were a -- a sergeant on patrol at some point,
9 correct?

10 A. Yes.

11 Q. Did you ever discuss new in-term orders or new
12 policies with officers under your command when you were a
13 sergeant on patrol?

14 A. Not on patrol, no.

15 Q. And why not?

16 A. Because they had the training sergeant, he does
17 that.

18 Q. As a member of the NYPD, are you required to
19 report misconduct that you personally observe?

20 A. You are, yes. Official misconduct.

21 Q. In -- going back to your e-mail from August 11th,
22 you stated that downgrading crime reports this happens
23 everywhere.

24 A. Yes.

25 Q. What did you mean by this happens everywhere?

JOSEPH FERRARA

1 A. All the commands do that. When there's a report
2 taken for a specific crime, the -- the usual course is that
3 that complaint gets taken by the officer on patrol, it gets
4 handed into the desk officer to be signed off on. It gets
5 put into the computer and it goes up to what's called crime
6 analysis. Depending on the crime it gets referred to the
7 detective squad. If it's something that's still open it
8 needs to be investigated. Because of ComStat, as a result
9 of ComStat, commanding officers were being looked at as far
10 as their numbers in regards to seven major crimes and they
11 were looked at unfavorably if they had a spike in seven
12 major crimes.

13 So, it started to be done where a commanding
14 officer would tell the crime analysis people who were
15 supposed to put together the 61s and even the desk officers
16 at some point call up the complainant and let's go back
17 over what the complainant says in regards to their
18 allegation, let's see if it really is a robbery. Let's see
19 if they really got their car stolen. Let's see if somebody
20 was hit with a pipe for real, how do they know they were
21 hit with an object, how do they know it wasn't a fist.
22 That's in order to reduce the complaint for that category,
23 because if the complainant says well, I thought it was a
24 bat or I thought it was a pipe, and this person says to the
25 complainant well, are you sure and they turn around and say

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1 well, no, I'm not sure, then it could have been a fist;
2 yeah, it could have been a fist. Now that changes from an
3 assault two which is a seven major felony down to an
4 assault three which is playing with numbers. Because if
5 the original complaint -- if the officer who took the
6 report out in the street listens to the complainant and
7 complainant says I got hit with a pipe, the officer is
8 going to write complainant states he got hit with a pipe.
9 We're going on what the complainant says out in the street
10 because that's what the cops are trained to do. Now, later
11 on we want to -- we want to -- oh, we don't want another
12 felony assault, so -- in that area especially, if it
13 happened in a certain area that wasn't conducive to -- to,
14 you know, to the CO. So then these phone calls would be
15 made and then reports would be changed.

16 Q. How many times did you see reports changed?

17 A. I didn't personally see reports changed. I know
18 the process was done by talking to people, but I never
19 saw -- I was never asked to call anybody back to
20 re-interview anybody.

21 Q. Did you ever downgrade any crime complaints?

22 A. No.

23 Q. And you were never asked by a supervisor to
24 downgrade any crime complaints?

25 A. No.

JOSEPH FERRARA

1 Q. Have you ever attended ComStat?

2 A. Once.

3 Q. And when was that?

4 A. I think it was when I was in the 40 Precinct, I
5 think.

6 Q. Why did you attend ComStat at that time?

7 A. The CO wanted sergeants to get a feel of what
8 ComStat was like.

9 Q. Did you have to speak at ComStat?

10 A. No. Actually, you know what, I went to ComStat
11 more than -- well, I went to TrafficStat, I went to ComStat
12 just to get a feel of what it was like, but I went to
13 TrafficStat I believe twice when I was a sergeant in the 40
14 when I was assistant ICO.

15 Q. Have you ever worked in a supervisory position
16 before ComStat came to the NYPD?

17 A. No.

18 Q. Would it be appropriate for an officer on the
19 street to ask a victim are you sure it was a bat or a pipe?

20 A. No.

21 Q. You don't believe it would be appropriate for an
22 officer on the street to ask questions?

23 A. Appropriate, yes, but does it happen, no, because
24 the radios are so busy in these commands, the officer wants
25 to take the report, give whatever kind of aid is needed and

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1 go to the next job, because there's pressure from the COs
2 in regards to response time, for how long does it take a
3 cop to get to another job.

4 Q. But if an officer did ask a victim on the scene
5 are you sure it was a pipe or a bat, do you believe that
6 would be an inappropriate question?

7 A. No, that would be appropriate.

8 Q. So, your -- your problem with this is -- is
9 calling later?

10 A. Yes. The NYPD teaches its officers to interact
11 with the community on various different levels and if an
12 officer goes to a job and the person says they got hit with
13 a bat and robbed, they got hit with a bat and robbed and
14 the officer puts that down. I don't know why later on
15 there would be further questions in regards to that
16 complaint. The only further question in my feeling and
17 really departmentallywise is that that will go to the squad
18 and a detective assigned to that case would investigate
19 that crime.

20 Q. Who do you believe was responsible for this
21 downgrading of crime complaints?

22 MR. SMITH: Objection to form.

23 MR. KRETZ: Objection.

24 A. Who actually did it or who gave the orders to do
25 it?

JOSEPH FERRARA

1 Q. Both.

2 A. Well, I believe it -- it -- it fell on crime
3 analysis people because they worked hand in hand with the
4 commanding officer in -- because crime analysis put
5 together all the complaints into a system and was able to
6 tally all the crimes up for the seven majors. So they
7 worked hand in hand with the CO in all the precincts that's
8 the way it was.

9 In the 81 precinct it would be DI Mauriello, you
10 know, giving the orders to look at certain crimes. He
11 would even say it at the -- at roll calls or COs' meetings
12 that the desk officers have to start looking at special
13 complaint reports that come in because the desk officer is
14 supposed to review the complaint reports, but it went on in
15 the -- in the 103. It went on in the -- in the 40. It was
16 just a general practice for commanding officers to try to
17 limit the amount of numbers that they have because the way
18 the job is if a CO has a rise in numbers and they want to
19 get promoted that will stop them from getting promoted.

20 Q. Do you believe that this downgrading of crime
21 complaints was official misconduct?

22 A. I don't know if it was official misconduct. I
23 felt it was misconduct.

24 Q. Did you ever report this misconduct to anyone?

25 A. No.

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1 Q. Why not?

2 A. Because if you -- if you go around reporting
3 stuff about your fellow workers or your commanding officer
4 then chances are you're going to get yourself jammed up
5 because there's -- there's that -- there's a perception in
6 the NYPD to punish people who try to do good stuff
7 sometimes. So, I wasn't looking to get myself jammed up by
8 making any kind of enemies with anybody or -- you know, I
9 was trying to just keep myself out of trouble and do the
10 right thing like I'm supposed to do.

11 Q. And you believe that this quote, unquote numbers
12 game happened because Commissioner Kelly and the commanding
13 officers wanted to see crime go down, right?

14 MR. SMITH: Objection to form.

15 A. Yes.

16 MR. SMITH: What was the answer to that
17 question?

18 THE WITNESS: Yes.

19 Q. Now, again, in your -- in your e-mail to
20 Mr. Norinsberg from August 11th you stated that cops are
21 also directed to write certain moving summonses, they're
22 frowned upon if they issue a brake light, taillight,
23 headlight summons, the cops have to write seat belt, cell
24 phone summonses --

25 A. Yes.

JOSEPH FERRARA

1 Q. -- do you recall that?

2 A. Uh-huh.

3 Q. So, the supervisors didn't want officers to come
4 in with just any kind of summons?

5 A. Yes.

6 Q. Do you know why?

7 A. There's numbers with that, too. The -- the
8 executive officer of a command was in charge of traffic
9 conditions in the command. The CO was in charge of crimes
10 in the command and he goes to ComStat. The XO is in charge
11 of traffic conditions in the command and he goes to
12 TrafficStat.

13 So, the XO wanted to make sure that his numbers
14 looked good or better than last year's numbers in regards
15 to seat belts, cell phone summonses, because another part
16 of TrafficStat is accidents. The number of accidents, the
17 number of injuries and there was pressure on the XOs from
18 the chief of traffic to reduce accidents, to reduce
19 injuries and to increase summonses because they felt if we
20 gave out more summonses for cell phones and for seat belts,
21 less people would get injured, there would be less
22 accidents.

23 In the -- in the 81 specifically on one of those
24 tapes Captain Perez who was the XO at the time has a whole
25 big thing about how he doesn't care, he wants his number.

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1 They even had started in the 81 which I had never seen
2 before, they would make the supervisors on patrol document
3 as the patrol officers came in at the end of their tour
4 what did you write today, day by day, how many did you
5 write, what did you write.

6 Q. And that was in reference to these seat belts and
7 cell phones?

8 A. Yes.

9 Q. Do you believe there was a quota policy in the
10 81st Precinct?

11 A. No, I don't believe there was a quota, because
12 there was never a number set in stone, but there was
13 tremendous pressure put on officers to answer the radios,
14 write complaints, take care of people who needed, you know,
15 aid with hospitals and stuff, help with lost kids, help
16 finding people. But then they also had pressure to write
17 summonses throughout their day. They wanted to see those
18 numbers from those officers. And they didn't care if the
19 officer answered 15 different jobs that day and didn't get
20 a meal, how many summonses did you write that day.

21 Q. Did you believe there was a quota policy in the
22 81st Precinct requiring officers to issue a certain number
23 of UF-250s?

24 MR. SMITH: Objection to form.

25 A. There was never a set number, but there was

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1 tremendous pressure for that, also, because that ended up
2 being statistic at ComStat number of 250s that were done.

3 Q. But there was never a number of UF-250s that
4 officers in the 81st Precinct were required to issue?

5 A. No. Not a set number, no.

6 Q. Have you ever issued a UF-250 without reasonable
7 suspicion?

8 A. No.

9 Q. Did any supervisor ever tell you to stop someone
10 even if you did not have reasonable suspicion?

11 A. No.

12 Q. Have you personally observed another officer stop
13 someone without reasonable suspicion?

14 A. No.

15 Q. Did you ever lose overtime for failing to issue a
16 certain number of UF-250s?

17 A. No.

18 Q. Did you ever suffer a change of tours as a result
19 of failing to issue a certain number of UF-250s?

20 A. No.

21 Q. Were you ever denied vacation days as a result
22 failing to issue a certain number of UF-250s?

23 A. No.

24 Q. Was there a quota policy regarding the number of
25 summonses officers in the 81st Precinct were required to

JOSEPH FERRARA

1 issue?

2 MR. SMITH: Objection to form.

3 A. Not a specific number per officer, but I believe
4 Captain Perez makes reference to a certain number that he
5 wanted for a tour.

6 Q. When you say for a tour, does that mean for the
7 whole squad?

8 A. For that platoon.

9 Q. For that platoon, I'm sorry?

10 A. Yeah, a platoon would consist of two squads
11 usually working, so. He would turn around and say I need
12 -- hypothetically, I need five cell summons today, cell
13 phone summonses from third platoon.

14 Q. And when did Perez become the XO of the 81st
15 Precinct?

16 A. I really don't remember. When I got there in --
17 when I got there in 2009 I don't believe he was there yet.
18 Somebody else was there. He left to go somewhere else and
19 I think Perez came in after. I'm really not sure when he
20 got there.

21 Q. So, if I told you that Captain Lauterborn was the
22 XO prior to Captain Perez, would that refresh your
23 recollection?

24 A. Yeah, I remember Captain Lauterborn, yes, I just
25 don't remember the dates.

JOSEPH FERRARA

1 Q. Did you ever hear Captain Lauterborn give a quota
2 for summonses to officers in the 81st Precinct?

3 A. No.

4 Q. And you said that Captain Perez gave a number of
5 five summonses per platoon?

6 A. Not every day. I mean it depended on the day
7 what he needed, you know, because he would keep track of
8 his numbers on a daily basis platoon by platoon. So if he
9 felt like oh, I had ten seat belt summonses last year this
10 day I need ten today, you know, so it would vary as to what
11 he wanted.

12 Q. And when Captain Perez discussed summonses, was
13 he discussing As, Bs and Cs?

14 A. No, he was strictly concerned with B summonses,
15 because that -- B summonses have to do with moving
16 violations which impact traffic conditions.

17 Q. So, did you ever hear Captain Perez talk about a
18 specific number of C summonses that he wanted the platoon
19 to issue?

20 A. No, no.

21 Q. Have you ever issued a summons without probable
22 cause?

23 A. No.

24 Q. Did anyone ever tell you to issue a summons if
25 you did not have probable cause?

JOSEPH FERRARA

1 A. No.

2 Q. Have you ever personally observed another officer
3 issue you a summons without probable cause?

4 A. No.

5 Q. Did you ever lose overtime for failing to issue a
6 certain number of summonses?

7 A. No.

8 Q. Have you ever suffered a change of tour as a
9 result of failing to issue a certain number of summonses?

10 A. No.

11 Q. Have you ever been denied vacation days as a
12 result of failing to issue a certain number of summonses?

13 A. No.

14 Q. When you said that Captain Perez had this goal
15 of, for example, five seat belts on -- on a platoon, was
16 there ever any punishment if the platoon was not able to
17 reach that number?

18 MR. SMITH: Objection to form.

19 A. Not that I'm aware of, but he would get very
20 irate with the supervisors and come down on supervisors,
21 but I don't know if any actual punishment was ever mended
22 out.

23 Q. Did you ever see any police officers get punished
24 for failing to bring in summonses for Captain Perez?

25 A. No.

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1 Q. Was there a quota policy in the 81st Precinct
2 requiring officers to issue a certain number of arrests?

3 MR. SMITH: Objection to form.

4 A. Yes.

5 Q. And what -- what is a quota to you?

6 A. A set number that had to be seen by the
7 commanding officer during a specific period of time.

8 Q. And what was -- I'm sorry, strike that.

9 How many arrests were officers in the 81st
10 Precinct required to make under this quota?

11 A. At least one.

12 Q. Per what period of time?

13 A. I don't remember if it was quarterly or if it was
14 for the year, because I know they used to run the officers
15 for the COs' meetings to see who had zero arrests still and
16 Mauriello would talk to that squad sergeant and say hey,
17 Jones doesn't have an arrest yet, why and they would, you
18 know, question the sergeant as to why the person doesn't
19 have an arrest, the officer.

20 Q. But you can't recall if it was one per quarter or
21 one per year?

22 A. No, it used to be one per year and then I think
23 it got knocked down to maybe one a quarter. 'Cause a
24 summons activity used to be monthly, you know, officers
25 would do a monthly activity report and that was it. In the

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1 81 Precinct it was down to daily, that they were taking
2 activity reports from officers on a daily basis there.

3 Q. Who told you that officers at the 81st Precinct
4 were required to make one arrest per year or per quarter?

5 A. Mauriello said it --

6 MR. SMITH: Objection to form. You can
7 answer.

8 A. Mauriello said it at the COs' meetings, he wanted
9 every officer to have at least one arrest and that came
10 from the borough, he says it came from the borough because
11 the borough runs the officers, they don't want to see
12 anybody with no arrests.

13 Q. When were you told this?

14 A. Various different times in the 81 Precinct.

15 Q. When was the first time you were told at the 81?

16 A. Probably the first COs' meeting I went to which
17 had to be sometime after I got there, which sometime in
18 '09.

19 Q. Have you ever made an arrest without probable
20 cause?

21 A. No.

22 Q. Were you ever told to arrest someone even if you
23 didn't have probable cause?

24 A. No.

25 Q. Did Inspector Mauriello ever tell officers that

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1 A. No.

2 MR. SMITH: Objection to form.

3 Q. Is there any other misconduct in the 81st
4 Precinct that you are aware of that you have not yet
5 testified to today?

6 MR. SMITH: Objection to form.

7 A. No.

8 Q. Is there anything else relating to this lawsuit
9 that you haven't testified to that you would like to add
10 now?

11 MR. SMITH: Objection to form.

12 A. Just that, you know, commanding officers
13 shouldn't go around labeling cops that report allegations
14 as rats, that's just retaliatory, it -- it causes other
15 supervisors to look at that officer in a different view and
16 they take actions against those officers based on that
17 perception. I don't believe that that's something that
18 should be spoken about by a CO. If the CO feels that way,
19 the CO should just keep it to himself and -- I mean, the
20 officer who is reporting an allegation of corruption or
21 misconduct has a right to do so confidentially which is
22 where IAB messed up because it got out, apparently, that --
23 that Schoolcraft called up IAB and that's something that
24 that shouldn't have -- that's not supposed to happen in
25 IAB.

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1 If a person reports something, especially
2 uniformed member of the service, if you're reporting
3 something against another uniformed member of the service,
4 that's supposed to remain confidential because right away
5 now you're going to have, you know, tension between the
6 officer who reported and -- and the -- you know, the
7 subject. That's just not a fair tactic, it's why people
8 don't report things in the NYPD any quicker is because of
9 experiences like this, situations like this.

10 Q. How do you know that someone in IAB was the one
11 who leaked Adrian Schoolcraft's name?

12 A. People were talking in the command.

13 Q. And what did they say?

14 A. Apparently IAB, I think, called up the TS,
15 telephone switchboard operator, and left a message for
16 Schoolcraft to call back or something, that doesn't
17 normally happen. That's what I think, you know, that's
18 what I, you know, remember being, you know, overhearing.

19 Q. So, when individuals are called to IAB for a PG
20 hearing, how are they normally notified?

21 A. I believe the ICO gets the phone call to notify
22 the subject in the precinct that they got to show up for a
23 PG hearing.

24 Q. And on what do you base that opinion?

25 A. My experience being in ICO's office when I was 41

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1 -- 40 Precinct.

2 Q. So, when you were a desk sergeant or a lieutenant
3 on the desk, you never got a call from IAB?

4 A. No. I don't -- I don't believe so. And when I
5 was in IAB as a sergeant and a lieutenant the ICOs are the
6 ones we notified when we needed somebody to come down for a
7 PG hearing. We didn't notify -- we didn't call the
8 person's command and say, hey, listen, this is IAB, we need
9 Joe Blow to come down to talk to us, it wasn't like that,
10 that's not confidential.

11 An ICO is supposed to remain confidential, that's
12 what their duties and responsibilities are, is they're not
13 supposed to broadcast to other members of the command hey,
14 Joe Blow got a PG hear -- a notification to come down for a
15 PG hearing, that's one of their specific duties, is that
16 they remain confidential with information that they
17 possess.

18 Q. So, it's your belief that IAB does not call the
19 regular telephone switchboard to schedule PGs of officers
20 --

21 A. Absolutely.

22 Q. -- regardless of whether they're subject or
23 witness officer?

24 A. Yes.

25 Q. And so, it's your understanding based on what you

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1 overheard that IAB leaked Schoolcraft's name by leaving a
2 message in the switchboard for Adrian Schoolcraft?

3 A. Yes.

4 Q. Is it your understanding that anyone from IAB
5 purposefully leaked his name?

6 A. No, I don't know.

7 Q. And when did you first hear about Adrian
8 Schoolcraft's name being linked with IAB?

9 A. I don't recall.

10 Q. Was it before October 31, 2009?

11 MR. SMITH: Objection to form.

12 A. I really don't remember when.

13 Q. Was it before your surgery?

14 A. Maybe, because I was out for a while after that
15 and Schoolcraft's name wasn't really coming up after I came
16 back to work, so it probably was before the surgery.

17 Q. Was there any other conversations you overheard
18 about Adrian Schoolcraft in the precinct that you have not
19 testified to already?

20 A. No.

21 MR. SMITH: Objection to form.

22 A. No.

23 Q. Did Captain Monteleone ever call you a rat?

24 A. No, I don't believe so.

25 Q. Is the testimony you've given here today complete

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1 and accurate?

2 MR. SMITH: Objection to form.

3 A. Yes.

4 MS. PUBLICKER METTHAM: Thank you,

5 Mr. Ferrara. I have no further questions at this
6 time.

7 MR. KRETZ: I have some questions.

8 EXAMINATION BY

9 MR. KRETZ:

10 Q. Mr. Ferrera, hi. I'm Walter Kretz representing
11 Steven Mauriello. I'd like to get the timeline straight on
12 your time at the 81st Precinct.

13 Directing your attention to Exhibit A page
14 stamped 12145 which is an e-mail, apparently, that you
15 wrote to Mr. Norinsberg in August of 2010.

16 A. Okay.

17 Q. In the second -- the third to last paragraph you
18 indicate that I got jammed up in April 2009 and transferred
19 to 81 Precinct. Does that refresh your recollection as to
20 when you went to 81 Precinct?

21 A. Yes.

22 Q. Was it in April of 2009?

23 A. Yes.

24 Q. Just to make certain, directing your attention to
25 page, in Exhibit A, 12174 and 175.

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1 Q. Hello, Mr. Ferrara, how are you?

2 A. Good. Thank you.

3 Q. I'm going to ask you a few more questions. I
4 know it's been a long day. If there's anything about the
5 question, the way I ask it, it's not clear, let me know and
6 I'll try and rephrase it, okay?

7 A. Yes.

8 Q. All right, great.

9 You were asked questions earlier about the two
10 recordings that you made at the 81 CO meetings. And you
11 said that those were on February 18, 2010 and April 1,
12 2010; is that right?

13 A. Yes.

14 Q. And I think you said that you were at a meeting,
15 another COs' meeting prior to February 18, 2010 and at that
16 meeting DI Mauriello made some statements, right?

17 A. Yes.

18 Q. And those statements related to Schoolcraft; is
19 that right?

20 A. Yes.

21 Q. Can you tell me how many days, weeks, months or
22 whatever other way you can measure it that those statements
23 were made in relationship to the February 18, 2010 meeting
24 that you recorded?

25 A. It probably would have been right before this

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1 February 18th, so whatever CO meeting there was before that
2 it probably would have been at that meeting that I first
3 heard it or -- I don't know how -- you know, I don't recall
4 how often he had COs' meetings, but it probably would have
5 been the most recent one before that.

6 Q. Okay. So, sitting here today it's your belief
7 that that meeting which prompted you to make the recording
8 on February 18th happened two or four weeks, approximately,
9 before February 18, 2010?

10 A. Yeah, probably.

11 Q. Do you --

12 MR. LEE: Objection to form.

13 Q. Do you recall what Mauriello said at that
14 meeting, the one that preceded the February 18, 2010
15 meeting that you did record?

16 A. Just that Schoolcraft's a rat, something to that
17 effect. Schoolcraft and a rat. I don't remember word for
18 word exactly what was said.

19 Q. Did Mauriello say in your presence words to the
20 effect that he knew that Schoolcraft was a rat or that he
21 had been given information about that or anything like
22 that?

23 A. I think he said something to the effect that I've
24 got a heads up, but I really don't remember and that would
25 have been prior to those -- those two recordings.

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1 Q. The statement that Mauriello made about him
2 getting a heads up, was that the same meeting where he --
3 for that -- on that first occasion said that Schoolcraft is
4 a rat?

5 A. You know, I don't remember.

6 Q. Okay. So, the -- let me ask you this question,
7 you -- there was talk at the 81 after Schoolcraft was taken
8 to the Jamaica Hospital psych ward, right?

9 A. Yes.

10 Q. Do you recall or do you know whether or not the
11 statement that Mauriello made that he got a heads up about
12 Schoolcraft, did that happen before or after Schoolcraft
13 was taken to the Jamaica Hospital psych ward?

14 MR. KRETZ: Objection to form.

15 A. Probably after the incident with him being taken
16 to the hospital.

17 Q. All right. Why do you say probably after?

18 A. I really don't remember and the talk was that
19 Schoolcraft had a tape-recorder the night of this incident
20 with him going to the hospital, so I'm assuming that it
21 probably was after the incident that um, that he -- I mean,
22 I'm just assuming, you know, that he said it after that
23 because now they found a tape-recorder supposedly that
24 night and you know.

25 Q. Okay. So, it's fair to say that you're not

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1 really sure, it's hard for to you in pin down exactly when
2 this statement by Mauriello that he got a heads up about
3 Schoolcraft when that was; is that fair to say?

4 A. Yeah, it's hard to pin down.

5 Q. Okay. When you said that there was talk at the
6 81 about finding a tape-recorder, was that the same kind of
7 talk that you mentioned earlier in your testimony, you were
8 at the -- at the desk or near the desk and people were just
9 talking back and forth about what happened to Schoolcraft?

10 A. Yes.

11 Q. So, was -- is it fair to say that it was a
12 subject of discussion that Schoolcraft had a tape-recorder
13 on him the night that the commander officer at the 81 went
14 to his house?

15 A. Oh, it was part of the discussion, I don't think
16 it was the subject. The bigger thing was him going to the
17 hospital, you know, being taken to the hospital that night
18 was really the subject and I think this was just another
19 piece that, you know, came of it.

20 Q. And when -- when Mauriello said that he got a
21 heads up, what is your understanding him to be saying?

22 A. Well, my opinion was that somebody from either
23 quad or Internal Affairs Bureau told Mauriello hey, listen,
24 we're looking at your command and you know, heads up, you
25 know, we're looking at your command.

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1 Q. Would that be an appropriate thing for an
2 investigator of Quad or IAB to have done?

3 A. Yeah, yeah, that shouldn't -- they are not
4 supposed to give COs a heads up to investigations, these
5 investigations are confidential.

6 Q. So, it would be inappropriate for IAB or Quad to
7 give a heads up to the commanding officer, right?

8 A. Yes, it would be inappropriate.

9 Q. You mentioned that you were asked questions about
10 whether or not or why you would not trust an individual by
11 the name of del Pozo and I think what you said, I'm not
12 trying to characterize what you said, but I think what you
13 said was that he used to work for Campisi and on that basis
14 you said I wouldn't trust him. Do you remember that?

15 A. Yes.

16 Q. Can you explain why it is that you felt that it
17 was not a good idea to trust somebody who had previously
18 worked for Chief Campisi?

19 MS. PUBLICKER METTHAM: Objection.

20 A. Captains and above stick together. So, it's --
21 if you're below captain it is what it is and if you're
22 captain and above they all stick together. So, I felt like
23 del Pozo worked for Campisi, he's captain and above, that
24 there's a more -- I guess more loyalty to Campisi than
25 really to anybody else outside of IAB because he directly

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1 worked for him.

2 I believe he was the commanding officer of one of
3 the groups in IAB, so there was a close working
4 relationship between del Pozo and Campisi himself as well
5 as the other chiefs in the bureau.

6 Q. Had you ever heard of other occasions where COs
7 got a heads up about investigations that were going on
8 about their commands?

9 A. Yeah, I heard -- I've heard people talk that a CO
10 was given a heads up.

11 Q. Where -- where were you when you heard this?

12 A. I was in IAB because there was a group 56 CO who
13 was -- Captain -- his name slips my mind, but he was the
14 group 56 CO after Lunetta. I think he had several
15 investigations on him, you know, allegations of corruption
16 and misconduct within his group that was against him and he
17 knew about every single one of them. You know. How does
18 somebody find out about it if somebody higher up in IAB is
19 not telling him?

20 Q. I got a little bit jumbled up about your career,
21 I'm sure you covered it, I'm just not clear. I hope you
22 bear with me.

23 For how years did you work at IAB?

24 A. I believe all together it was five, I believe it
25 was probably close to three years as a sergeant and maybe

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1 two years as a lieutenant. Four plus years all together,
2 maybe.

3 Q. Do you recall any other circumstances where COs
4 got heads up other than the ones you've mentioned today?

5 A. Just -- no, that -- that's really hit. I mean
6 people talk, you know, from group to group people talk
7 about this CO, that CO. You know, I mean I can't say
8 definitely, you know, I know that the group 56 CO
9 definitely got a heads up because my wife worked in group
10 56 until she retired and she was made aware that, you know,
11 there was allegations being made against that commanding
12 officer, so that I definitely knew because she knew.

13 As far as anybody else, I mean there was always
14 word of -- you know, there was always word that oh, yeah,
15 IAB tipped off so and so and you know, because the job --
16 the job tries to protect who they like, you know. There
17 are -- there are some COs who get hit for fudging numbers
18 and they get transferred. There are some COs who hit for
19 fudging numbers and they get told you got to leave, you got
20 to retire.

21 Um, the -- the CO in group 56 before Captain
22 Lunetta was this woman Captain Ferman, she was
23 African-American woman, she got caught fudging numbers
24 which was tied into the whole Brohenny thing that we spoke
25 about earlier with the computer misuse that he ran a nephew

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1 of a CO to see if he had a warrant, this was that captain.
2 So, she had this lieutenant run her nephew's name, but she
3 got caught up with fudging numbers. Okay. She was told
4 she got to go, she got to retire. You know, there was no
5 we're going to move you somewhere else, you got -- you got
6 your 20 years in, you got to go.

7 Um, on patrol, certain COs -- there was a CO in
8 the 105 at some point who -- who ended up getting jammed up
9 for fudging numbers, he got moved. You know. So, it's --
10 they protect who they want to protect. They let people
11 know when they want to let people know to protect those
12 people, hey, listen, just so you know.

13 Q. Did you have any direct interaction with
14 Schoolcraft while you were at the 81 and he was at the 81?

15 A. Just hello.

16 Q. Did he ever do or say anything to you that --
17 that indicated to you that he was anything but just a
18 regular police officer?

19 A. No.

20 MS. PUBLICKER METTHAM: Objection.

21 A. No.

22 Q. I think you were asked this, but I'm not sure.
23 Do you -- well, let me just back up.

24 The incident where the CO went to Schoolcraft's
25 house that occurred on October 31, 2009. And I think you

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1 she would use her cell phone while she was working on the
2 desk?

3 A. Well, I would say --

4 MS. PUBLICKER METTHAM: Objection.

5 A. I would say she used her cell phone more than
6 other people who would be assigned to the desk. You really
7 don't have a lot of time to talk on the cell phone when
8 you're on the desk, there are so many things going on in
9 the precinct at that desk area and -- but I know she -- you
10 know, some people like to talk, you know, that was my --

11 Q. Was she one of them?

12 MS. PUBLICKER METTHAM: Objection.

13 A. Yeah, that was my perception of her, was that she
14 -- she liked to talked on her cell phone, you know. I
15 didn't see her, um, I didn't see her interact with people
16 in the -- in -- in the 81 as often as I've seen in the past
17 with other people. You know, it kind of looked to me like
18 she spoke to whoever she spoke to on the phone, that was
19 her form of communicating with other people.

20 Q. Do you have any recollection of her interacting
21 or speaking with anybody at the 81 about Schoolcraft?

22 A. No.

23 MS. PUBLICKER METTHAM: Objection.

24 A. No, I don't.

25 Q. You mentioned in your earlier testimony about how

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1 the job sometimes punishes people. In that context, have
2 you ever heard of an expression called the blue wall of
3 silence?

4 A. Yes, I heard of that.

5 Q. What is that?

6 A. Well, my interpretation of the blue wall of
7 silence is cops don't talk about what other cops do. If
8 something is done wrong, cops don't talk about it.

9 Q. What happens to a cop in your perception who does
10 talk about what other cops do?

11 MS. PUBLICKER METTHAM: Objection.

12 A. Well, they get labeled a rat. They get labeled a
13 rat and then their lives are made difficult by the other
14 members that they work with, whether it becomes people
15 don't want to work with that person anymore or cops are
16 known to flick -- flip other officers' lockers, so
17 everything that you have in your locker gets dumped upside
18 down. You know. You know, just general tension between
19 the cop who said something and the cops didn't say
20 something.

21 Q. In the, I think you still have it in front of
22 you, Exhibit A, there's a memo or a 49 from you to Police
23 Commissioner Kelly. It's got a Bates stamp number of
24 12153. Could you put that document in front of you, sir?

25 A. Yes.